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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,968	12/06/2000	Mourad Ben Ayed		6993

7590

03/19/2003

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EXAMINER

ANYASO, UCHENDU O

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/729,968

Applicant(s)

BEN AYED, MOURAD

Examiner

Uchendu O Anyaso

Art Unit

2675

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-10.

Claim(s) withdrawn from consideration: None.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 2. NOTE: Applicant amended claims 1, 5 and 8 to include the feature of converting one or more symbols to a character using a wireless electronic stylus wherein the symbols may be different from the character the user seeks to achieve. Applicant then contends that support for this feature is embedded in the specification in that the title includes "..., handwriting input device using graffiti ...". Furthermore, Applicant argues that Graffiti is known as a symbol set that corresponds to the alphabet but that may be different from the alphabet. Applicant should note that in the Office Action mailed 1/10/03, Chery et al (U.S. Patent 6,211,863) taught handwriting graffiti used with a PalmPilot. Applicant has failed to clarify how the graffiti in Chery differs from applicant's graffiti. If applicant's statement is correct that graffiti is known as a symbol set that corresponds to the alphabet but may be different from the alphabet, then Chery reads directly on applicant's invention. Furthermore, applicant contends that his invention differs from Chery et al and Lewis et al (U.S. Patent 5,294,792) in that applicant's invention requires that both a receiver and transmitter, or a transceiver should be present in both the pen and the second device. Examiner has carefully reviewed applicant's specification as originally filed and concludes that applicant raises the issue of new matter on this amendment. In figure 2 of applicant's invention, there is no mention of a receiver or transceiver. Applicant contends that to establish a connection, a processor must send a connection request through the transmitter to the other system, and await a response message through a receiver. This process is similar to the teachings of Chery wherein stylus 10 would be adapted to be used in a transcription system and includes a reference signal transmitter 62 and a position signal transmitter 58 wherein detectors 12A, 12B can be modified to include a reference signal receiver 56 and a position signal receiver 60 (column 33, lines 57-62, figure 2C at 58, 60). This transmitter and the receiver establish a connection by a means similar to that as claimed by applicant. Applicant is advised to review MPEP 714.12 regarding "Amendments After Final Rejection or Action" which may be located at "<http://www.uspto.gov/web/offices/pac/mpep/documents/0700.htm>". Furthermore, applicant is advised to review "http://www.uspto.gov/web/offices/pac/mpep/documents/0700_714_13.htm#sect714.13" which explains "MPEP 714.13 Amendments After Final Rejection or Action, Procedure Followed".